

Remarks/Arguments

Claim Summary

By this Amendment, claims 1, 17 and 19 have been amended, and accordingly, claims 1-2 and 4-21 remain pending in the application.

Request To Withdraw Finality

In Applicants' previous Amendment, claim 1 was revised to incorporate the subject matter of dependent claim 3 (which was cancelled).

In the previous Office Action, claim 3 was not rejected in view of the combination of Doppelhammer (US 6533867) and Nguyen (US 6565661). However, the final Office Action now contains a rejection of claim 1 (corresponding to original dependent claim 3) base on this combination of references.

Therefore, the rejection of claim 1 based on the combination of Doppelhammer and Nguyen constitutes a new rejection that was not necessitated by Applicants' previous amendment. The finality of the Office Action is thus improper, and Applicants request that the finality be withdrawn.

35 U.S.C. ¶103 – Claims 1-3, 6-8, 13 and 15-21

Claims 1-3, 6-8, 13 and 15-21 were rejected under 35 U.S.C. ¶103 as being unpatentable over Colpo et al. (US 6682630) in view of Nguyen (US 6565661). Reconsideration of this rejection is again requested.

The Examiner has now clarified that his rejection is based only on the first embodiment of Colpo (Figures 2A to 2C). As Applicants understand the rejection, the Examiner contends that the way that the teaching of Nguyen would be applied to the system shown in Colpo would be to make the gas outlets in the sheet of

Colpo smaller than the pipes that pass through them. However, this contention is illogical because if the diameter of the holes in the sheet were made smaller than the diameter of the pipes then the pipes would simply not be able to pass through the sheet.

The Colpo document is confusing regarding whether or not the pipes are always welded to the face plate (column 5 indicates that Figure 4 is a detailed view of the apparatus shown in Figure 2A). However, even if the pipes are not welded to the plate, then the Examiner's design suggestion that the "pipes could be welded on to the back of the shield (sheet) to provide a large diameter hole connected to a small diameter hole" is not taught at all by the cited documents, either alone or in combination. It thus appears that the Examiner is arguing with the benefit of hindsight/knowledge of the present invention.

For at least the reasons stated above, Applicants respectfully contend that all of the now-pending claims define over the Colpo et al. and Nguyen references, taken individually or in combination.

35 U.S.C. ¶103 – Claims 1, 4, 5 and 7-21

Claims 1, 4, 5 and 7-21 were rejected under 35 U.S.C. ¶103 as being unpatentable over Doppelhammer (US 6533867) in view of Nguyen (US 6565661), and further in view of Arami et al. (US 5938850).

In the Office Action, the Examiner states:

"In regard to the argument that Coppelhammer does not teach that the "sheet is attached to the surface of the faceplate", the Examiner disagrees. The term "attached" is a broad term and includes intervening parts. The shield 45 is attached to the faceplate 46 via disk 42."

In view of the Examiner's comments, and in an effort to expedite prosecution, the independent claims have been amended herein to recite that the sheet is "directly" attached to the surface of the face plate. Thus, for the reasons already of record, Applicants respectfully contend that all of the now-pending claims define over the Doppelhammer, Nguyen and Arami et al. references, taken individually or in combination.

Conclusion

No other issues remaining, reconsideration and favorable action upon the claims 1-2 and 4-21 now pending in the application are requested.

Respectfully submitted,

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